Law No. 43-22 on alternative sentences

Reference: Law No. 43-22

Practice areas: Criminal law

> This is an unofficial explanatory note; only the Arabic text published in the Bulletin officiel is authoritative. Law No. 43-22, in force since August 2025, allows the court to replace certain prison sentences with alternative sentences: community service, electronic monitoring, restriction of certain rights or supervision and treatment measures, and day fines.

Who this law applies to

The law concerns people prosecuted or convicted for a délit (mid-level offence), their families, victims, and the courts, the sentence enforcement judge and the prison administration responsible for supervising these measures.

Key rules

- Alternative sentences include community service, electronic monitoring, restriction of certain rights or the imposition of supervision, treatment or rehabilitation measures, and day fines.
- They may be imposed for délits where the prison sentence handed down does not exceed five years.
- They are excluded for repeat offenders and for certain serious offences listed in the law, notably terrorism, corruption and embezzlement of public funds, drug trafficking and sexual exploitation of minors.
- The court sets the prison sentence and then substitutes the alternative sentence; if the offender fails to comply, the prison sentence may be enforced.
- The sentence enforcement judge and the prison administration oversee compliance.

Key deadlines and figures

- Entry into force: August 2025.
- Threshold: a prison sentence handed down of no more than five years, for a délit.
- Community service is unpaid and performed for public bodies or associations, for a duration set by the court within statutory limits.
- The day fine is set per day of prison replaced, within a statutory range, taking the offender's means into account.

What this means in practice

A person prosecuted for a délit may, depending on their circumstances and the nature of the offence, avoid prison while still serving a real sentence. This often makes it possible to keep a job, family life and housing.

The defence can put information about the defendant's personal and professional situation before the court to inform the choice of sentence. Compensation of the victim remains a central factor in the court's assessment.

Reforms and recent developments

Law No. 43-22 was adopted as part of the modernisation of criminal justice policy, with the aims of reducing prison overcrowding and supporting rehabilitation. It came into force in August 2025, together with implementing regulations and the gradual roll-out of electronic monitoring.

When to consult a lawyer

It is worth seeking advice at the start of criminal proceedings to find out whether an alternative sentence may be possible, prepare the relevant supporting documents and present the case to the court. A victim may also seek advice to assert their right to compensation.

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General information document and unofficial English translation. Only the version published in the Official Bulletin of the Kingdom of Morocco is authoritative; the articles cited may have been amended since this sheet was written. Last updated : 3 November 2026.